

**§ 792.210**

providers; and tracking and reporting to OPM information such as total cost and employee use of the program.

**§ 792.210 What is the definition of civilian employee?**

The term *civilian employee*, for the purposes of this subpart, means all appointive positions in an executive agency (5 U.S.C. 105). It does not refer to private contractors hired by the agencies.

**§ 792.211 What is the definition of a Federally sponsored child care center?**

The term *Federally sponsored child care center*, for the purposes of this subpart, is a child care center that is located in a building or space that is owned or leased by the Federal Government.

**§ 792.212 What is the definition of a child care contractor?**

Section 630 of Public Law 107-67 provides that child care services provided by contract are encompassed by this new legislation. The term *child care contractor* applies to an organization or individual providing child care services for which Federal families are eligible. These entities are commonly referred to as "child care providers" in the child care industry and they provide services under contract in center-based child care and family child care homes.

**§ 792.213 What is the definition of a child for the purposes of this subpart?**

For the purposes of this subpart, a *child* is considered to be:

- (a) A biological child who lives with the Federal employee;
- (b) An adopted child;
- (c) A stepchild;
- (d) A foster child;
- (e) A child for whom a judicial determination of support has been obtained; or
- (f) A child to whose support the Federal employee, who is a parent or legal guardian, makes regular and substantial contributions.

**§ 792.214 Which children are eligible for this subsidy?**

The law covers the children of Federal employees, excluding contract em-

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ployees, from birth through age 13 and disabled children through age 18.

**§ 792.215 What is the definition of a child with disabilities?**

For the purpose of this subpart, a *child with disabilities* is defined as one who is unable to care for himself or herself based on a physical or mental incapacity as determined by a physician or licensed or certified psychologist.

**§ 792.216 Are Federal employees with children who are enrolled in summer programs and part-time programs eligible for the child care subsidy program?**

Federal employees with children (birth through age 13) and children with disabilities (children through age 18) who are enrolled in daytime summer programs and part-time programs such as before and after school programs are eligible for the child care subsidy program. The summer and part-time programs must be licensed and/or regulated.

**§ 792.217 Are part-time Federal employees eligible for the child care subsidy program?**

Federal employees who work part-time are eligible for the child care subsidy program.

**§ 792.218 Does the law apply only to on-site Federal child care centers that are utilized by Federal families?**

The bill includes non-Federal center-based child care as well as care in family child care homes, as long as the providers are licensed and/or regulated by the State and/or local regulating authorities.

**§ 792.219 Are agencies required to negotiate with their Federal labor organizations concerning the implementation of this law?**

Agencies are reminded of their obligation under 5 U.S.C. 7117 to negotiate or consult, as appropriate, with the exclusive representatives of their employees on the implementation of the regulations in this subpart.